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1 **ORIGINAL** BEFORE THE ARIZONA CORPORATION COMMISSION  
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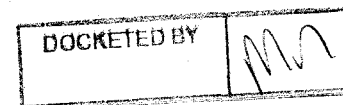
7 BOB STUMP  
COMMISSIONER

8 IN THE MATTER OF THE APPLICATION OF  
9 SOLARCITY FOR A DETERMINATION  
10 THAT WHEN IT PROVIDES SOLAR  
11 SERVICE TO ARIZONA SCHOOLS,  
12 GOVERNMENTS, AND NON-PROFIT  
ENTITIES IT IS NOT ACTING AS A PUBLIC  
SERVICE CORPORATION PURSUANT TO  
ART. 15, SECTION 2 OF THE ARIZONA  
CONSTITUTION.

Docket No. E-20690A-09-0346

Arizona Corporation Commission  
**DOCKETED**

OCT 29 2009



13 **RUCO'S RESPONSE TO STAFF'S NOTICE OF INTENT TO PROVIDE A**  
14 **SUPPLEMENTAL WITNESS**

15 The RESIDENTIAL UTILITY CONSUMER OFFICE ("RUCO") responds to Staff's  
16 Notice of Intent to Provide a Supplemental Witness. RUCO does not object to Staff's  
17 request per se. RUCO can appreciate Staff's desire to present every aspect of its case  
18 and RUCO also believes it will help make a more complete record.

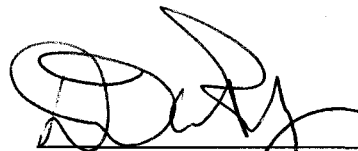
19 However, it was Staff's choice to not file the testimony of a policy witness. With all  
20 due respect to Staff, the nature of this docket clearly involves high level policy issues.  
21 RUCO does not believe it is fair to allow a witness that has not presented pre-filed  
22 testimony an opportunity to present testimony at the hearing or even be available to  
23  
24

1 present testimony without the parties having notice of the witness's testimony. Otherwise,  
2 the parties will be disadvantaged in their preparation of cross-examination.

3 RUCO requests, at the very least, Mr. Abinah file a summary of his testimony and  
4 all the areas he intends to cover in this docket. Given the timeliness of Staff's request, Mr.  
5 Albinah should be limited to only those issues addressed in the summary. RUCO further  
6 requests that it be allowed at least forty-eight hours prior to Mr. Albinah's presentation to  
7 prepare for Mr. Abinah's testimony.

8 RUCO makes this request in good faith and not for the purpose of delay.  
9  
10

11 RESPECTFULLY SUBMITTED this 29th day of October, 2009.  
12

13   
14 \_\_\_\_\_  
15 Daniel W. Pozefsky  
16 Chief Counsel

17 AN ORIGINAL AND THIRTEEN COPIES  
18 of the foregoing filed this 29th day  
19 of October, 2009 with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 West Washington  
23 Phoenix, Arizona 85007

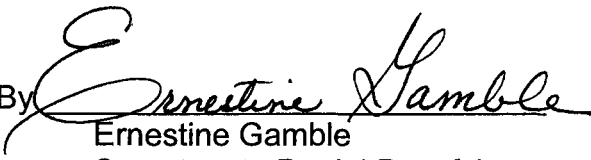
24 COPIES of the foregoing hand delivered/  
mailed this 29th day of October, 2009 to:

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Administrative Law Judge  
Hearing Division

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By   
Ernestine Gamble  
Secretary to Daniel Pozefsky